

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

**MAR 19 2013**

**JOSEPH GRANT HOPKINS, JR.,**  
**Plaintiff,**

**v.**

**BETTY AKERS, et al.,**  
**Defendant(s).**

**Civil Action No. 7:13-cv-00049**

**MEMORANDUM OPINION**

**By: Michael F. Urbanski**  
**United States District Judge**

JULIA C. DUDLEY, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

Joseph Grant Hopkins, Jr., proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983 . By Order entered February 11, 2013, the court directed plaintiff to submit within 10 days from the date of the Order return the signed Consent to Fee form. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice. On February 13, 2013 the Clerk's Office received a letter from plaintiff stating that he would soon be moving to Bland Correctional Center. The Clerk's Office responded on the same date and stated that the Court does not update addresses prior to an individual being moved but after he was moved, he could write the Court and state that he in fact been moved. The Order and Consent to Fee form were returned as undeliverable on February 19, 2013. The Clerk's Office confirmed with the Inmate Locator that the plaintiff had been moved to Bland Farm Correctional Center. The Order and Consent to Fee form were then mailed on February 19, 2013 to the new place of confinement allowing ten additional days for the plaintiff to sign and return the Consent to Fee form.

More than 20 (twenty) days have elapsed, and plaintiff has failed to comply with the described conditions. Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying  
Order to plaintiff.

ENTER: This 19<sup>th</sup> day of March, 2013.

*/s/ Michael F. Urbanski*

United States District Judge